

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

68.155 ACRES OF LAND, MORE OR
LESS, SITUATE IN WEBB COUNTY,
STATE OF TEXAS; AND SACRED
HEART CHILDREN’S HOME, INC.

Defendants.

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CASE NO. 5:20-CV-057

**JOINT STIPULATION OF DISMISSAL AND AGREEMENT TO DISBURSE FUNDS
UNDER FED. R. CIV. P. 71.1(i)(1)(B)**

Plaintiff and Defendant file this stipulation of dismissal and agreement to disburse funds under Fed. R. Civ. P. 71.1 (i)(1)(B).

I. INTRODUCTION

1. Plaintiff is the United States of America (“Plaintiff”); named interested party and the purported property owner is Sacred Heart Children’s Home, Inc. a.k.a. Sacred Heart Orphanage. (“Defendant”).
2. On April 16, 2020, Plaintiff filed a Declaration of Taking (“Declaration”) and Complaint in Condemnation for a twelve (12) month temporary easement for real property identified as Tract No. LRT-LRS-1027 (hereinafter referred to as the “Property”). The interest and property are more particularly described in Schedules “C”, “D”, and “E” of the Declaration (Docket No. 2).

3. On April 27, 2020, Plaintiff deposited \$100.00 into the Registry of the Court as estimated just compensation for the right of entry. (Docket No. 5) Pursuant to 40 U.S.C. § 3114 (b)(1), the filing and the deposit immediately vested title to the acquired property in the United States.

II. DISMISSAL

4. The Plaintiff, United States of America, and the Defendant, Sacred Heart Children's Home, Inc. a.k.a. Sacred Heart Orphanage, pursuant to Fed. R. Civ. P. 71.1(i)(1)(B), jointly stipulate to the dismissal of this case, without prejudice, each party to bear their own cost.

III. DISBURSEMENT

5. Plaintiff respectfully moves this Court to disburse the funds deposited in the Registry of the Court. On April 27, 2020, Plaintiff deposited one hundred and 00/100 dollars (\$100.00) into the Registry of the Court (Docket No. 5) as estimated just compensation for the taking of the Estate in Schedule E of the Declaration of Taking.
6. The Plaintiff and the Defendant respectfully move this Court to disburse the sum remaining in the Registry of the Court, one hundred and 00/100 dollars (\$100.00), plus any accrued interest thereon, payable to the order of "F&A Officer, USAED, Fort Worth." The United States also respectfully request that the check reference Tract No. LRT-LRS-1027.

FOR DEFENDANT:

SACRED HEART CHILDREN'S HOME, INC.


SISTER MARIA ISIDRA VALDEZ
ADMINISTRATOR

FOR PLAINTIFF:

RYAN K. PATRICK

United States Attorney
Southern District of Texas

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CERTIFICATE OF SERVICE

I, John A. Smith, III, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on this 15th day of July, 2020, a copy of the foregoing was served on the following parties in accordance with the Federal Rules of Civil Procedure.

USPS 1st Class

Sacred Heart Children's Home, Inc.
Laredo, TX 78046

By: s/ John A. Smith, III
JOHN A. SMITH, III
Assistant United States Attorney